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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH A. POGGIOLI,	:
	: 07 Civ. 6674 (CLB)
Plaintiff,	:
	: NOTICE OF MOTION FOR
-against-	: SUMMARY JUDGMENT
	:
PATRICK J. CARROLL, and the CITY OF NEW	:
ROCHELLE, New York,	:
	:
Defendants.	:
-----	X

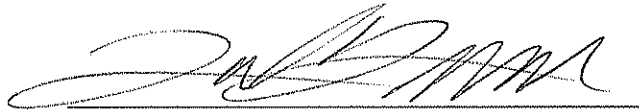
PLEASE TAKE NOTICE that upon the annexed statement of undisputed facts submitted pursuant to Local Rule 56.1 dated December 12, 2007; the annexed declaration of Lalit K. Loomba, Esq., dated December 12, 2007, and the exhibits annexed thereto; the accompanying memorandum of law dated December 13, 2007, and all the prior proceedings herein, defendants Patrick J. Carroll and the City of New Rochelle will move this Court, before the Hon. Charles L. Brieant, on January 25 2008, at 10:00 a.m., or as soon thereafter as counsel may be heard, for an

Order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, dismissing the complaint with prejudice as against defendant Patrick J. Carroll on grounds of qualified immunity, granting summary judgment to the City of New Rochelle, and for such other, different and further relief as the Court in its discretion may deem just and proper.

PLEASE TAKE FURTHER NOTICE that this motion is made pursuant to the procedure set forth in paragraph 3(d) of the Civil Case Discovery Plan and Scheduling Order, entered on October 5, 2007.

Dated: White Plains, New York
December 12, 2007

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
Attorneys for Defendants

A handwritten signature in black ink, appearing to read 'Lalit K. Loomba', is written over a horizontal line.

By: Lalit K. Loomba (LL-9755)

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TO:

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